REMARKS

Claims 1-24 are pending in this application. For convenience, Applicant has included a listing of the claims. No new amendments are made to the claims by this response. In the Final Office Action, the rejections of all claims as allegedly being anticipated by multiple references are maintained. Reconsideration of each of the rejections is respectfully requested in view of the following remarks.

I. ALLEGED ANTICIPATION BY ALCORN ET AL.

The Office finally rejects claims 1-24 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,104,815 (Alcorn et al.). Applicant respectfully submits that this rejection is defective because Alcorn et al. fails to teach each and every feature of the claims as required by 35 U.S.C. § 102.

In particular, Alcorn et al. does not teach, *inter alia*, an identifier that includes location and time information as in the claimed invention. In support of the rejection, the Office states that "[t]he PIN (Figure 3) is an identifier that includes latitude, longitude, and time."

Notably, the Office fails to provide any additional support for its conclusion apart from this general reference to Figure 3 of Alcorn et al. Interpreting Alcorn et al. only for the purposes of this response, contrary to the Office's assertion, Figure 3 clearly shows that the PIN does not include latitude, longitude, and time. In particular, Figure 3 "is a high level flow chart generally illustrating the sign-on operation of the remote user terminal." Col. 4, lines 33-34. To this extent, Figure 3 includes the steps of "get lat. & long.," "get time," "user key in PIN," and "encrypt PIN[,] lat.[,] long. & time." Clearly, by the express statement "user key in PIN," the

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PIN is manually entered by a user after latitude, longitude, and time information has already been obtained by the remote user terminal in previous steps. If, as the Office asserts, the PIN included latitude, longitude, and time information, there would be no need for the remote user terminal to previously obtain this information. Additionally, by obtaining this information before the PIN is keyed in, the remote user terminal must have obtained the information from a source other than the PIN. Further, the next step after the PIN is entered by the user lists the various data items being encrypted. To this extent, the PIN is listed separately from the latitude, longitude, and time. As a result, as expressly shown in Figure 3 of Alcorn et al., the PIN does not include location (e.g., latitude and longitude) or time information since the location and time information would not be obtained prior to the PIN being entered by the user, and the PIN would not be separately listed as data being encrypted along with latitude, longitude, and time data.

Further support for this interpretation is found by Alcorn et al.'s discussion of Figure 3. In particular, Alcorn et al. states "the user PC 11... [will] obtain time and position information in terms of a latitude and longitude signal from receiver 20, and will instruct the user to key in his PIN number." Col. 6, line 64 - Col. 7, line 7. In other words, the user PC obtains time and position information from a receiver, apart from the PIN that is keyed in by the user. Therefore, both the time and location information and the PIN are expressly obtained from different sources (i.e., receiver and user respectively), and Alcorn et al. does not include any discussion about including the time and location information in the PIN.

As a result, the Office's assertion that time and location information is included in the PIN is contrary to the express and implied teachings of Alcorn et al. Consequently, Applicant again respectfully requests withdrawal of this rejection.

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II. ALLEGED ANTICIPATION BY FAN

Additionally, the Office finally rejects claims 1-24 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,552,682 (Fan). Applicant respectfully submits that this rejection is similarly defective because Fan fails to teach each and every feature of the claims as required by 35 U.S.C. § 102.

In particular, Fan does not teach, *inter alia*, an identifier that includes location and time information as in the claimed invention nor an identification generator or the like that generates such an identifier. In support of its rejection, the Office states that "Column 3, lines 12-48 teaches an outgoing data package including time and the most recent position of the mobile unit. As a result, the data package constitutes an identification generator as claimed."

Here, the Office alleges that an "outgoing data package" discloses Applicant's claimed "identification generator." However, Applicant notes that an "outgoing data package" does not "generate" anything. Rather, it "refers to a data package transmitted from a mobile unit." Col. 3, lines 27-28. In other words, the outgoing data package comprises transmitted data, and data alone cannot generate anything. As a result, Applicant respectfully requests withdrawal of this rejection, or in the alternative, clarification by the Office of its interpretation of Fan.

Alternatively, Applicant anticipates that the Office may have interpreted the "outgoing data package" as Applicant's claimed "identifier." In order to further prosecution of this application, Applicant herein incorporates arguments against such an interpretation. In particular, Applicant respectfully submits that this interpretation would be in direct contrast to the definition of both the term "identifier" and the phrase "data package" as understood in common English and in the art.

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In particular, the dictionary definition of "identifier" is something used to establish identity. Further, as is commonly known in the art and expressly stated in Fan, the intent of an "outgoing data package" is to communicate data from a source (i.e., mobile unit in Fan) to a destination (i.e., data processing station in Fan). To this extent, as is commonly known in the art, an outgoing data package that is communicated over a network such as the wireless network shown in Figure 1 of Fan, generally includes information that identifies a desired recipient and a sender, in addition to the data that is being sent by the sender to the recipient. This information allows the data to be received and processed by the correct recipient, and matched with the correct source of the data. In Fan, the data in the outgoing data package includes a query by an operator and may include a history showing the most recent positions of a mobile unit. See, e.g., Col. 3, lines 22-30.

If the Office alleges that the outgoing data package of Fan comprises the claimed identifier, the Office would be alleging that the entire outgoing data package, including the data (e.g., query) that is being sent, is used for identifying the mobile unit. In other words, the Office would interpret Fan as teaching the use of information to identify the recipient (i.e., data processing station), information to identify the sender (i.e., mobile unit), and the data (i.e., query, history) that is being sent to identify the mobile unit. Nothing in Fan suggests such an interpretation. Further, since the data and/or recipient information will change from data package to data package, such a system would not be practical for identifying a mobile unit.

Further, in order to arrive at this interpretation, the Office would need to ignore the express use of the related term "identification" in Fan. For example, after the portion of Fan cited by the Office, Fan goes on to state that "[i]f data processing station 18 receives an outbound

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data package that includes a measured position of the mobile unit (presumably the position of the vehicle), the measured position is entered into a position table 33." Col. 3, lines 51-55. In other words, data (i.e., the measured position) from the outbound data package can be stored in a position table. Later, Fan discusses one implementation of position table 33 with reference to Figure 7. As Fan states, "position table 33 contains the measured position of several mobile units, *identified respectively by an identification number 160*, at particular times 162. The measured position of each mobile unit is represented by time-stamp 162, a measured latitude value 165, a measured longitude value 168, and a velocity 170." Col. 4, lines 61-67 (emphasis added). Notably, each entry in the position table includes an identification number 160 that is distinct from the time-stamp 162, latitude 165, and longitude 168 data for the mobile unit. Clearly, Fan uses the identification number to uniquely identify the mobile unit. Fan apparently does not include any discussion about how the identification number is generated for each mobile unit. However, since location and time information are stored along with the identification number, it is clear that the identification number would not include such information.

As a result, if the Office intended to state that Fan's "outbound data package" comprises the claimed "identifier," Applicant respectfully submits that the express teachings of Fan, as well as the well understood definition of "identifier" and "outbound data package" clearly prevent such an interpretation. Consequently, Applicant respectfully requests withdrawal of this rejection.

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III. ALLEGED ANTICIPATION BY NERLIKAR

Further, the Office finally rejects claims 1-8 and 19-24 under 35 U.S.C. § 102(b) as

allegedly being anticipated by U.S. Patent No. 5,629,981 (Nerlikar). Applicant respectfully

submits that this rejection is similarly defective because Nerlikar fails to teach each and every

feature of the claims as required by 35 U.S.C. § 102.

As with several references that the Office has cited as allegedly disclosing the claimed

invention, Nerlikar also fails to disclose, *inter alia*, an identifier that includes location and time

information as in the claimed invention. In support of its rejection, the Office states that "[t]he

RFID identification generator generates an ID signal that includes location and time."

Initially, Applicant notes that Nerlikar does not include any discussion, anywhere, of an

"RFID identification generator." Further, other than in claim 2, Nerlikar does not include any

mention of "an ID signal" ("identification signal" in claim 2). Regardless, claim 2 and the

remainder of Nerlikar does not include any mention of "an identification signal that includes

location and time" as alleged by the Office. As a result, Applicant cannot determine the Office's

interpretation of Nerlikar in this rejection. Applicant respectfully requests clarification should

the Office maintain this rejection.

As best understood based on the cited portion of Nerlikar, the Office may have intended

to allege that Nerlikar's "RFID means" discloses Applicant's claimed "identification generator."

To this extent, with respect to claim 1, Nerlikar's RFID means must "generate[] a unique

identifier, wherein the identifier includes the provided location and time information in an

encoded format." However, Applicant cannot determine what the Office may have intended

when referring to "an ID signal" based on the cited portion of Nerlikar.

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Interpreting Nerlikar only for the purposes of this response, Nerlikar is devoid of, *inter alia*, any discussion of including time information in any type of identifier. For example, the only mention of time in the portion of Nerlikar cited by the Office lists it as a distinct item that may be encrypted along with identification information. In particular, Nerlikar states that "RFID means may include... encryption means to statically and dynamically 'encrypt' *the authorized user identification code*, information destination, transaction location, *time/date*, configuration control, and *secondary biological user(s) identification*." Col. 4, lines 45-51. As a result, the portion of Nerlikar cited by the Office in support of its rejection, expressly states that time/date is a distinct data item from identification information such as an authorized user identification code and/or secondary biological user(s) identification.

This is further evidenced in other portions of Nerlikar. For example, Figure 4 of Nerlikar illustrates one packetization scheme. As shown, the "header" portion can include "authorized user ID, destination(s) or recipient(s) IDs," and "transaction date/time/location stamp." As a result, as in the discussion cited by the Office, any time data is again stored apart from any data related to identification. Additionally, in col. 9, lines 40-46, Nerlikar expressly discusses including location information as part of the user identification code. However, Nerlikar is devoid of any similar discussion of including time information for identification, let alone any discussion of using time and location information for identification.

As a result, contrary to the Office's assertion, Nerlikar does not disclose an "RFID identification generator [that] generates an ID signal that includes location and time." Consequently, Applicant respectfully requests withdrawal of this rejection.

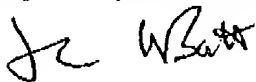Serial No. 09/862,732   Page 13 of 14

IV. ALLEGED ANTICIPATION BY ALCORN ET AL., FAN, AND NERLIKAR

Applicant again respectfully submits that several additional claimed features of claims 1-24 are also not disclosed by Alcorn et al., Fan, and/or Nerlikar. For example, in each of the rejections, the Office alleges that "[t]he identifier is in a format suitable for tagging a network login." However, despite Applicant's previous request, the Office again fails to cite any portion of any reference that allegedly discloses identifying a network login using an identifier that includes time and location information, let alone processing simultaneous network logins that occur at a common location. As a result, Applicant again respectfully requests withdrawal of this rejection, or in the alternative, that the Office provide evidence in support of this rejection.

V. CONCLUSION

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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